

Policy Brief No. 10

Enhancing the Social Protection
of Vulnerable Migrants through
Non-Residence-Based
Approaches: Considerations
based on China's Floating
Population

Migration, Gender and Social Justice: Connecting Research and Practice Networks



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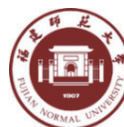
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Executive Summary

The protection of migrant rights in China is currently predominantly based on measures that conceive the place of in-migration as a final destination in which migrants settle permanently. Such an assumption fails to grasp the complexity of migrants' mobility patterns. Many internal migrants engage in and/or foresee return to the place of origin, circular movement, or onward migration to another destination. Through insight into the case of China's rural-urban migrants, this policy brief indicates that residence-based approaches to migrant protection are unable to fully respond to the needs of migrants, and particularly of women among them, for they presume a single new permanent place of residence. Recommendations are made for measures to protect migrant rights that better reflect actual mobility patterns and gendered differences.

Policy Brief No. 10: Enhancing the Social Protection of Vulnerable Migrants through Non-Residence-Based Approaches: Considerations based on China's Floating Population

This policy brief has been prepared within the IDRC-sponsored project 'Migration, Gender and Social Justice', and is based on research undertaken for the project, 'The differentiation of women migrants in the migration process and their rights issues: Case studies from Fujian Province of China,' funded by the IDRC (IDRC Grant number: 105447-001). It also benefitted from research supported by the Social Protection in Asia (SPA) policy-research and network-building programme funded by the Ford Foundation and IDRC.

For additional insight into the findings of this research:

Zhu, Y. and L.Y. Lin (2011) 'The mobility patterns of rural-urban migrants and their social protection: Beyond the extension of urban-based approaches', *CSP Research Report 01*, Institute of Development Studies, University of Sussex, UK.
<<http://www.ids.ac.uk/go/idspublication/the-mobility-patterns-of-rural-urban-migrants-and-their-social-protection-in-china-beyond-the-extension-of-urban-based-approaches>>.

Yu Zhu and Liyue Lin (2013) 'From "Integration into Cities" to "An Integrated Society": Women Migrants' Needs and Rights in Fujian Province, China', in Truong et al. (eds) *Migration, Gender and Social Justice: Perspectives on Human Security*. Heidelberg: Springer.

Introduction

China has the largest migrant population in the world and the overwhelming majority of this migration takes place within the country's own borders. The rise of China as an economic power on the international scene has heavily relied on internal population movements to feed the growing labour demand of its booming industries. According to the 2010 census results, this floating

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population is estimated at around 221 million people who have moved from their rural villages of origin to urban areas. Addressing the effects of these population movements for the people concerned is an urgent task for the government of China at national, provincial and city levels. Across China, various measures are being both discussed and experimented upon to ensure that migrants have equal access to employment and their children to education, alongside efforts to extend the coverage of the existing urban social insurance and urban housing security system to migrants. The effects yielded by measures implemented so far and the extent of the current discussion for new measures to be adopted have given rise to the need for detailed knowledge of the challenges faced by migrants in the protection of their rights.

This policy brief is based on research undertaken in one of the major destination areas for internal migration in China, the Fujian Province and its capital city, Fuzhou. The research aimed at deepening knowledge

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about the characteristics of the floating population, migration patterns and vulnerabilities of migrants, as well as institutional responses adopted to ensure protection of their rights.

The findings of two extensive surveys covering over 3,600 migrant respondents (60% women, 40% men) and additional interviews with migrants, their employers and government officials from municipal and provincial institutions reveal that efforts for migrant protection fall short because they consider migrants as a homogeneous category of people who leave their villages to resettle permanently in the city of

destination. This assumption contains two implicit shortcomings. Firstly, a perspective that focuses on the cities of arrival fails to consider that these may represent just a step within more complex migrant trajectories. Secondly, it underestimates gender as a factor that plays an important role in shaping migrant vulnerabilities, shown by evidence that women migrants systematically suffer worse conditions than their male peers.

Research findings

Research in the Province of Fujian and in the city of Fuzhou reveals the existence of greatly diversified migrant trajectories. Migrants emerge as being far more mobile than currently assumed. Responses to questions on the future migration intentions bring to light the complexity and diversity of these trajectories. Only one third of migrants expressed a desire to settle permanently in the cities, whereas the majority indicated as their preferred alternative an eventual definitive return to the home village, or constant circulation between village and city, or onward migration to another city. Evidence therefore suggests that in most cases the

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cities in which migrants live and work do not correspond to the place in which they presently expect to settle. Rather than speaking of cities of destination, cities should be understood as places in which migrants may decide to spend a more or less prolonged period of time.

Current discussion of approaches for improving protection for migrants contrasts starkly with the migrant mobility patterns just outlined. Discussion is rooted in a residence-based and urban-centered perspective that identifies migrants' 'urban integration' as the ultimate goal. Concrete proposed measures, for instance, are to grant migrants urban *hukou* status—i.e., the urban household registration that also ensures access to basic rights, such as entry to government schools. Transferring the *hukou* status of migrants and their family members to cities of destination is seen as a means to ensure that migrants can fully enjoy their rights here. Such an approach has been effective for some migrants, but in some policy areas, it also has its limitations.

Firstly, it is incompatible with highly mobile and prolonged migration trajectories. Whereas migrants need social insurance programmes with high portability, the embeddedness of these programmes in given

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localities prevents migrants from joining or staying with them. Most of the interviewed migrants, in fact, declared that they would not transfer their *hukou* or that of their whole family to their places of destination even if they were allowed to do so. Urban-based programmes, moreover, may not necessarily offer the best protection for migrants: programmes designed to target migrants in their rural home areas, for instance, may be better tailored to their needs.

Secondly, the current urban-centred and residence-based approach ignores the mobile nature of migrants who require distinctive and different forms of right

'... the current urban-centred and residence-based approach ignores the mobile nature of migrants who require distinctive and different forms of right protection from those of local urban residents.'

protection from those of local urban residents. This is evident in the area of housing security, where migrants would strongly benefit from rental subsidy and free accommodation provided by their employers, rather than from affordable owner-occupier housing as an option currently offered through urban housing security systems.

The conventional understanding which conceptualizes rural–urban migration as one-way flows of people from rural places of origin to urban places of destination is therefore too simplistic and fails to take into full consideration migrants' needs for rights protection in different

'Major concerns exist for the rights of women migrants, including their lower educational attainment and unequal access to education, greater vulnerability in employment ... low social insurance coverage and unequal access to urban public services.'

locations (including their places of origin), and at different moments in time throughout their migratory trajectories. In addition to ignoring the diversity of mobility patterns, current approaches to migrant protection also ignore other important elements of differentiation within floating populations. The specificities of rights issues among women migrants are a key omission. Almost half of China's enormous migration flow is composed of women. Together with their male counterparts, women migrants are exposed to significant vulnerabilities.

Nonetheless, women are systematically reported to experience more disadvantaged conditions, especially in places of in-migration. Major concerns exist for the rights of women migrants, including their lower educational attainment and unequal access to education, greater vulnerability in employment (including non-hiring by factories after the age of 40, a dramatically lower cut-off age than for men), low social insurance coverage and unequal access to urban public services. In addition, migrants' mobility decisions are often embedded in larger household strategies and women are more prone to interrupt their migration when the need arises to care for elderly parents or children in home villages. Most policy approaches do not recognize that the needs for rights protection of women migrants are different from those of men. The effects of this neglect are further worsened by the fact that women migrants greatly lack awareness of their own rights and of the channels available to them for their protection.

Conclusion

So far, significant progress has been achieved in the protection of migrant rights in China, resulting, in recent years, in the guarantee of equal access to employment opportunities and increasing incomes. Nonetheless, the conventional conceptualization of rural–urban migration

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as a one-way flow (apart from occasional vacation visits to the place of origin) that inspires current interventions is hampering further advance. Many vulnerabilities that migrants are exposed to result from mobility behaviour that deviates from one-step movement from village of origin to city of destination. The weaknesses of urban-centred and residence-based approaches in addressing migrant rights are particularly evident where women migrants are concerned. Incorporating an approach that can look beyond such limitations is the precondition to achieve further progress and to ensure that attention is paid to the diverse needs of migrants on the basis of gender differences and different trajectories of mobility.

Implications and recommendations

The following policy measures are suggested to help achieve further progress in guaranteeing the protection of migrant rights:

- *Promote 'social' rather than 'urban' integration.*

Policies based on a presumed permanent residence in cities of destination after in-migration are unable to ensure that the rights and interests of migrants are fully protected. An alternative focus on 'social' integration—integration into the national society, via nation-wide systems for social protection—would allow extending the coverage of migrant rights protection to all stages

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and locations of their trajectories. This is particularly essential in the case of circular and temporary migrants who return regularly to their sending villages, and also for the very large group who wish after long-term residence in a destination city to then settle down back in their area of origin. The protection of migrant rights should not be conditional on 'urban citizenship', and the whole society (rather than destination cities only) should bear the responsibility for protecting the rights of all citizens, including women and men migrants, no matter where they are.

- *Develop a legal and institutional framework defining the obligations of government authorities at different levels towards the protection of migrant rights.*

An adequate legal and institutional framework can support the notion that protecting migrants' rights is a duty of the whole society rather than only of the specific places where migrants are situated. Policies should be

'Policies should be developed which address the protection of migrants not only from the perspective of their labour rights, but more broadly from the perspective of their rights as citizens.'

developed which address the protection of migrants not only from the perspective of their labour rights, but more broadly from the perspective of their rights as citizens. Such policies should be used as the basis for effecting changes in existing legislation and for introducing new laws and regulations relevant to

migrants. Specifically, there is a need to move beyond the current situation where local governments in cities of destination and migrants' employers take most responsibility in providing social benefits and security to migrants. Mechanisms for the protection of migrant rights that are sensitive to their highly mobile behaviour require governments at higher levels, including the central government, to play a bigger role. For instance, financing mechanisms based on fiscal revenue could enable greater financial allocation from the central or provincial governments to meet migrants' needs.

- *Acknowledge that certain categories of migrants, such as women migrants, face additional vulnerabilities that require to be addressed separately.*

While facing the same challenges of all floating migrants, women are systematically exposed to greater disadvantages. This calls for special attention to be paid to the gendered dimension of exclusion and vulnerabilities in a number of spheres. Firstly, there is a need to ensure that existing education laws and regulations are enforced, so that women migrants complete their compulsory education before entering the migration process. Secondly, family-related diffi-

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culties, such as the care of the elderly and of children, must be addressed for when difficulties arise in this sphere women are more likely than men to withdraw from their migration process. Thirdly, efforts should be made to promote the equal treatment of women migrants in the labour market, for instance combating discrimination in access to employment and inequalities in pay between male and female workers. Lastly, greater efforts should be devoted to address women migrants' more disadvantaged position in terms of access to social and housing security.

